

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SURGICAL INSTRUMENT SERVICE
COMPANY, INC.,

Plaintiff,

v.

INTUITIVE SURGICAL, INC.,

Defendant.

Case No. 21-cv-03496-AMO

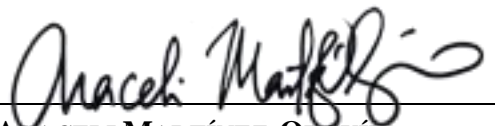
**ORDER UPDATING JURY
INSTRUCTIONS**

Before the Court is Defendant Intuitive Surgical, Inc.’s (“Intuitive”) Objection, ECF 441, to the Court’s order explaining its removal of a proposed jury instruction based on the four-part test from *Epic Games, Inc. v. Apple, Inc.*, 67 F.4th 946, 977 (9th Cir. 2023). *See* ECF 440.

The Court **tentatively SUSTAINS** Intuitive’s objection and intends to include the Single-Brand Aftermarket jury instruction as No. 16 in the jury charge. The Court will permit Plaintiff to present further argument against inclusion of the instruction at 8:00 a.m. tomorrow, but the parties should prepare their closing arguments as if the Single-Brand Aftermarket instruction will be included in the final charge read to the jury.

IT IS SO ORDERED.

Dated: January 27, 2025


ARACELI MARTÍNEZ-OLGUÍN
United States District Judge